

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY OWENS,

Plaintiff,

No. 07-CV-13585-DT

vs.

Hon. Gerald E. Rosen

STATE TROOPER OSBOURNE, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S CLAIMS
AGAINST DEFENDANTS MOODY AND DAVIS

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on September 25, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on the August 15, 2008 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court grant Defendants Moody's and Davis's Motion to Dismiss on the grounds of prosecutorial and Eleventh Amendment immunity; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Defendant Moody's and Davis's Motion to Dismiss should be granted, and being otherwise fully

advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of August 15, 2008 [**Dkt. # 35**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants Moody and Davis's Motion to Dismiss [**Dkt. # 7**] be, and hereby is, GRANTED. Plaintiff's claims against these two Defendants, accordingly, are DISMISSED, with prejudice.

s/Gerald E. Rosen

Gerald E. Rosen

United States District Judge

Dated: September 25, 2008

I hereby certify that a copy of the foregoing document was served upon Gary Owens and counsel of record on September 25, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager